

REMARKS

This Amendment is responsive to the Office Action dated December 17, 2007. In that Action, the Examiner rejected claims 41-43 and 47-48 under 35 U.S.C. §112, second paragraph. Claims 41-43 and 47-48 were also rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent No. 6,135,945 to Sultan (herein "Sultan") in view of U.S. Patent No. 6,210,347 to Forsell (herein "Forsell"). Applicant respectfully traverses the Examiner's rejections and offers the foregoing amendments and following remarks in support of allowance of the pending claims.

Claims 41 and 47 have been amended. Claims 49-61 have been added. No new matter has been added to this application. Claims 1-24 are cancelled and claims 25-43 and 47-61 remain pending in the applications, with claims 25-40 and 46 currently withdrawn.

Claim 41 has been amended to overcome the Section 112 rejections.

The independent claims state that the pressure sensor measures the amount of pressure the movable part exerts on the body part/body canal or vessel/urethra (collectively referred to as "body vessel"). This sensed data is used by the telemetry system to instruct the control unit to either move or maintain the position of the movable part with respect to the body vessel. Specification, p. 15, p. 16. Sultan's sensor fails to sense the amount of pressure of the Sultan controller on the urethra. Rather Sultan merely senses abdominal pressure for the singular purposes of triggering a clamp unit to close on the urethra. Sultan col. 6, line 50, herein 6/50-56; 7/30; 7/43. Applicant's movable part maintains continuous pressure on the body vessel to keep the body vessel in a normally closed position. Specification p. 16, (claim 58). Sultan's device

only clamps the urethra or urethral sphincter intermittently based on an abdominal pressure reading by the sensor. Sultan 6/50-56, 7/30, 7/93. Sultan does not maintain the urethra in a normally closed position as taught and claimed by Applicant. Accordingly, Applicant's sensor provides completely different information to Applicant's telemetry system, which continuously decides whether to alter or maintain the current position of Applicant's movable part with respect to the body vessel. See, claim 41 (altering or maintaining operating settings), claim 51 (same).

Sultan only discloses a single sensor, and as mentioned above, such sensor is used for irrelevant information with respect to the operation of Applicant's claimed invention. Certain of Applicant's claims also add a second sensor for sensing the battery charge level. Claims 47, 58. Sultan fails to disclose a second sensor.

Forsell fails to correct the deficiencies of Sultan noted above. Accordingly, combining Forsell and Sultan would still fail to teach or disclose Applicant's claimed invention. Furthermore, it has not been shown that the Forsell system could be used as a telemetry system for Applicant's claimed device.

Forsell does not receive information from a pressure sensor to make intelligent decisions based on such received information. Forsell merely is a remote actuator that causes a charge of power to be transmitted to the implanted device, (Forsell 6/7-27; specifically 6/17-20 and 22) which is then stored in a rechargeable battery to immediately activate the Forsell device's motor to open or close, a certain number of revolutions. See also 6/41-46. Forsell is not designed to be routinely opened (to permit urination like Applicant's implantable device) and closed multiple

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times per day and it has not been shown that such a device could be combined with Sultan to teach Applicant's claimed invention.

Also, despite the Examiner's position, Applicant respectfully submits that Sultan fails to disclose providing a second sensor. Furthermore, Applicant's system does not get involved with recharging power supplies. See Forsell, 6/56-64. Rather the power level is monitored to permit a "failsafe" action to be initiated by Applicant's system in the event the power level drops below a certain threshold. See claims 47, 58 relative to battery charge sensors.

Accordingly, Applicant respectfully traverses the Examiner's above-noted rejections and respectfully requests that such rejections be withdrawn.

Applicant has completely responded to the Office Action dated December 17, 2007. Favorable action is respectfully requested.

Respectfully submitted,

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